

REMARKS

The Office Action of August 4, 2003 has been carefully studied. The claims in the case are now 1-43. No claim has yet to be allowed.

The following paragraphs correspond to the paragraphs of the Office Action:

Election/Restriction

Applicants acknowledge the withdrawal of claims 11-14, 19, 20 and 22 from further consideration until there is an allowable generic or linking claim. With respect to new claims 29-41, they all read on the elected species except claims 36-41. Also, claims 11, 12, 20 and 22, for example, are amended to be linking claims.

Claim Rejections - 35 U.S.C. 112

By virtue of the amendments to claims 10, 15, 17 and 18, the rejections are now overcome, as can be seen from the following discussion:

In claim 10, line 5, the term "comprising essentially" is clarified by eliminating the term "essentially".

In claim 10, line 6, compatibilizer (C1) is now set forth as a copolymer of styrene and maleic anhydride having an average molar mass of between 800 and 10,000 and having 1-3 styrene units and 6-8 maleic anhydride units per copolymer, support being found on page 11.

In claim 10, the generic styrene polymer (A) is now set forth as selected from the group consisting of polystyrene, acrylonitrile-butadiene-styrene copolymer (ABS) and an elastomer-modified polystyrene, support being found in claims 11, 12 and 24, it being further noted that high impact styrene wherein the elastomer is polybutadiene, as a species of the elastomer modified polystyrene and is specifically claimed in claim 26 whereas claims 40 and 41 are dependent on claim 26.

In view of the amendment to claim 10, it is clear that claim 10 (A) does not overlap any of the styrene-based copolymers as defined in component (C) and provides unobvious compositions under 35 U.S.C. 103.

In claim 15, the objected to language "optionally containing up to ... unsaturated epoxy" is cancelled.

Finally, in claims 27 and 28, copolymers are not dependent on anhydride claims.

Claim Rejections - 35 U.S.C. 102 or 103

Before discussing the references in detail, it is important to appreciate the contribution provided by the present invention, in the form of low resistivities and higher elongations at break. For example, in Table 1, the incorporation of (C3) or (C1 + C3) improves the elongation at break of virgin polystyrene on the one hand, and provides satisfactory antistatic properties on the other hand.

EP 0242158

In particular, it is to be noted that on page 8 of the EP patent, the modified vinyl polymer (D-5) is made of 90 parts of styrene and 10 parts of maleic anhydride. In contrast, Applicants' styrene/maleic anhydride copolymer is not a modified vinyl polymer but instead a true copolymer wherein the maleic anhydride units (6-8) outnumber the styrene units (1-3), support being found in the specification on page 11, lines 26 and 27. Accordingly, Applicants' styrene/maleic anhydride copolymer is different in kind than the modified vinyl polymer mentioned in the EP patent. Furthermore, there would be no motivation for one of ordinary skill in the art to drastically change the composition of the modified vinyl polymer in the EP patent so as to arrive at Applicants' copolymer having mostly maleic anhydride units.

DE 4235505

Attention is courteously invited to Table 4 on page 9 of this reference wherein the nature of C-1, C-2, C-3 and C-4 is set forth. Of these examples, only C-3 is pertinent, and this example utilizes an ethylene/glycidyl (meth)acrylate copolymer grafted with a styrene/acrylonitrile copolymer. Thus, it is seen that the reference C-3 comprises 4 monomeric units and is a graft copolymer whereas Applicants' C-3 copolymer is a terpolymer which is different in kind than that graft copolymers of the reference. Furthermore, there would be no motivation to change the graft copolymers of this reference so as to arrive at Applicants' particular terpolymers.

Millet et al. 6,303,689 B1

Whereas Applicants' present claim 1 requires that the styrene polymer is polystyrene, ABS, or an elastomer-modified polystyrene (high impact polystyrene), the teachings of Millet et al. do not suggest to one of ordinary skill in the art that such specific styrene polymers

and/or copolymers can be modified in accordance with Applicants' invention. Realistically, Millet et al. is addressed to a modification of polyethylene which is different in kind than Applicants' styrene polymers.

In addition, it is seen that "D-2" on column 6, line 10 of the reference is a 2 component copolymer whereas Applicants' (C3) is a terpolymer containing (1) ethylene units, (2) alkyl (meth)acrylate units and (3) unsaturated epoxy units, e.g. glycidyl (meth)acrylate, as noted on page 14, line 31 of the specification.

Furthermore, attention is courteously invited to claims 42 and 43 which mirror claim 10 except for the use of more restrictive language "consisting of" in claim 42 and "consisting essentially of" in claim 43, thereby precluding the presence of functional amounts of the polyolefins treated by Millet et al.


Accordingly, there are several aspects of Applicants' invention which are nowise suggested by this reference.

In view of the amendments to the claims and the above discussion, it is respectfully submitted in the absence of a more pertinent reference, the claims are in allowable condition. If, however, there are any remaining issues which can be expeditiously resolved by a telephone conference, the Examiner is courteously invited to telephone Counsel at the number indicated below.

For the record, Applicants acknowledge the Examiner's comments regarding the prior art and Applicants' invention, but do not necessarily acquiesce to the correctness or relevance of such statements.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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